

AMENDED IN SENATE APRIL 28, 2005

AMENDED IN SENATE MARCH 31, 2005

**SENATE BILL**

**No. 596**

**Introduced by Senator Bowen**  
(Coauthor: Assembly Member Hancock)

February 18, 2005

---

An act to add Chapter 2 (commencing with Section 10050) to Part 1 of Division 10 of the Elections Code, relating to municipal elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 596, as amended, Bowen. Municipal elections: voting methods.

Existing law provides procedures for the nomination of candidates for elective offices in general law cities. It specifies the procedures for the conduct of the election, the canvass of ballots, and certification of persons elected to office. Related provisions require the holding of a runoff election if no candidate has been elected at the municipal election. It provides that a vacancy in an elective office may be filled by appointment, at a special election, or at the next regular municipal election, as specified.

This bill would provide that, notwithstanding any provision of law, a city, county, or district may conduct a local election using ~~a preference voting method~~ *ranked voting*. This bill would also describe the ~~preference~~ *ranked* voting method as it applies to both a single-candidate election and a multiple-candidate election.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Chapter 2 (commencing with Section 10050) is added to Part 1 of Division 10 of the Elections Code, to read:

CHAPTER 2. ~~PREFERENCE VOTING METHODS~~ *RANKED VOTING*

10050. (a) Any city, county, or district may conduct a local election using ~~a preference voting method~~ *ranked voting*. The ballot shall allow voters to rank a number of choices in order of preference equal to the total number of candidates for each office. However, if the voting system, vote tabulation system, or similar or related equipment used by the city, county, or district cannot feasibly accommodate choices equal to the total number of candidates running for each office, then the elections official administering the election may limit the number of choices a voter may rank to no fewer than three if using the voting method enacted pursuant to Section 10051 and to two more than the number of seats to be filled if using the voting method enacted pursuant to Section 10052. The ballot shall in no way interfere with a voter's ability to cast a vote for write-in candidates.

(b) A voting method authorized by this section may be enacted by any of the following ways:

~~(1) By ordinance enacted by the governing body of the city, county, or district.~~

~~(2)~~

~~(1)~~ By approval of a ballot measure submitted to the voters by the governing body of the city, county, or district at an election pursuant to Division 9 (commencing with Section 9000).

~~(3)~~

(2) By initiative ordinance or charter amendment adopted pursuant to Division 9 (commencing with Section 9000).

(c) Any city, county, or district using a preference voting method shall conduct a voter education campaign to familiarize voters with this method of voting.

10051. A voting method enacted pursuant to Section 10050 for an election to elect a single candidate to office shall be *known as "instant runoff voting" and shall be conducted in the following manner:*

(a) For the purposes of this section: (1) a candidate shall be deemed “continuing” if the candidate has not been eliminated, (2) a ballot shall be deemed “continuing” if it is not exhausted, (3) a ballot shall be deemed “exhausted,” and not counted in further stages of the tabulation, if all of the choices have been eliminated or there are no more choices indicated on the ballot. If a ballot gives equal rank to two or more candidates, the ballot shall be declared exhausted when such multiple rankings are reached. If a voter casts a ballot but skips a rank, the voter’s vote shall be transferred to that voter’s next ranked choice.

(b) If a candidate receives a majority of the first choices, that candidate shall be declared elected. If no candidate receives a majority, the candidate who received the fewest first choices shall be eliminated and each vote cast for that candidate shall be transferred to the next ranked candidate on that voter’s ballot. If, after this transfer of votes, any candidate has a majority of the votes from the continuing ballots, that candidate shall be declared elected.

(c) If no candidate receives a majority of votes from the continuing ballots after a candidate has been eliminated and his or her votes have been transferred to the next ranked candidate, the continuing candidate with the fewest votes from the continuing ballots shall be eliminated. ~~All votes~~ *Each vote* cast for that candidate shall be transferred to the next ranked continuing candidate on ~~each~~ *that* voter’s ballot. This process of eliminating candidates and transferring their votes to the next ranked continuing candidates shall be repeated until a candidate receives a majority of the votes from the continuing ballots.

(d) If the total number of votes of the two or more candidates credited with the lowest number of votes is less than the number of votes credited to the candidate with the next highest number of votes, those candidates with the lowest number of votes shall be eliminated simultaneously and their votes transferred to the next ranked continuing candidate on each ballot in a single counting operation.

(e) A tie between two or more candidates *for the fewest votes as specified in subdivision (c)* shall be resolved ~~in accordance with Article 1 (commencing with Section 15650) of Chapter 10 of Division 15.~~ *by lot with the candidate chosen by lot being eliminated.*

10052. A voting method enacted pursuant to Section 10050 for an election to elect two or more candidates to office shall be known as “choice voting” and shall be conducted in the following manner:

(a) For the purposes of this section: (1) a candidate shall be deemed “continuing” if the candidate has not been eliminated or elected, (2) a ballot shall be deemed “continuing” if it is not exhausted, and (3) a ballot shall be deemed “exhausted,” and not counted in further stages of the tabulation, if all of the choices have been eliminated or elected or there are no more choices indicated on the ballot. If a ballot gives equal rank to two or more candidates, the ballot shall be declared exhausted when such multiple rankings are reached. If a voter casts a ballot but skips a rank, the voter’s vote shall be transferred to that voter’s next ranked choice.

(b) Each candidate that receives the minimum threshold of votes necessary to be elected shall be declared elected. The minimum threshold of votes necessary to be elected shall be determined by dividing the total number of votes cast for that office by one more than the number of offices to be filled and then adding one vote, *and then ignoring any fraction*, as shown in the following formula:

Total number of votes cast, divided by sum of one plus number of offices to be filled, plus one, equals minimum threshold of votes necessary to be elected

If no candidate receives the minimum threshold of votes necessary to be elected, the candidate who received the fewest first choices shall be eliminated and each vote cast for that candidate shall be transferred to the next ranked candidate on that voter’s ballot. If, after this transfer of votes, any candidate has the minimum threshold of votes necessary to be elected from the continuing ballots, that candidate shall be declared elected.

If no candidate receives the minimum threshold of votes necessary to be elected from the continuing ballots after a candidate has been eliminated and his or her votes have been transferred to the next ranked candidate, the continuing candidate with the fewest votes from the continuing ballots shall be eliminated. ~~All votes~~ *Each vote* cast for that candidate shall be

transferred to the next ranked continuing candidate on ~~each~~ *that* voter's ballot. This process of eliminating candidates and transferring their votes to the next ranked continuing candidate shall be repeated until a candidate receives the minimum threshold of votes necessary to be elected from the continuing ballots.

(c) Once a candidate receives the minimum threshold of votes necessary to be elected, any votes that candidate has received in excess of the minimum threshold of votes necessary to be elected shall be redistributed among the other continuing candidates as follows: ~~the second choices indicated on all of the ballots where the first choice was the elected candidate shall be redistributed~~ *follows: each vote received by the elected candidate shall be redistributed to the next available choice on that ballot according to a transfer value for each ballot.* The transfer value shall be determined by dividing the surplus votes cast for the elected candidate by the total number of votes received by the elected candidate as shown in the following formula:

Surplus votes cast for the elected candidate, divided by total number of votes received by the elected candidate, *calculated out five decimal places and rounded to the fourth decimal place* equals the transfer value

(d) If two or more candidates on the first count receive more than the minimum threshold of votes necessary to be elected, ~~all~~ *each* of those candidates shall be declared elected. Among these candidates, ~~the second choices indicated on all of the ballots of the candidate who receives the largest number of first choice votes, or the next available choice if the second preference candidate has already been elected, shall be redistributed at the transfer value to continuing candidates. This process shall be repeated for the ballots of any other elected candidate in the order of the number of first-choice votes each candidate received.~~ *candidates each of the ballots of the candidate who receives the largest number of first choice votes shall be redistributed at its transfer value to the second choice indicated on that ballot, or the next available choice if the second preference candidate has already been elected.*

(e) If a candidate receives more than the minimum threshold of votes necessary to be elected as the consequence of a redistribution of surplus votes from a previously elected candidate, the number of votes in excess of the minimum threshold of votes necessary to be elected shall be redistributed to the continuing candidates. This redistribution shall be to the next available choice shown on each of the elected candidate's ballots. The transfer value for the ballots on which the candidate was the first choice shall be the same as the transfer value defined in subdivision (c). The transfer value for each ballot transferred to the candidate from one or more previously elected candidates shall be the surplus votes cast for the elected candidate divided by the total number of votes received by the elected candidate multiplied by the transfer value of the votes received pursuant to the redistribution of the surplus votes from a previously elected candidate as shown in the following *previous transfer value of that ballot as shown in the following* formula:

Surplus votes cast for the elected candidate, divided by total number of votes received by the elected candidate, multiplied by the transfer value of the votes received from a previously elected candidate *the previous transfer value of that ballot, calculated out five decimal places and rounded to the fourth decimal place*

(f) If no candidate receives more than the minimum threshold of votes necessary to be elected as the consequence of a redistribution of surplus votes from a previously elected candidate, the candidate with the smallest number of votes shall be eliminated. All of that eliminated candidate's votes—both first choice votes and any votes received from a previously elected candidate's surplus at the transfer value—shall be transferred to the continuing candidates according to the next available choice shown on the eliminated candidate's ballots. The eliminated candidate's first choice votes shall be transferred to the second, or next available, choice at full value. Votes received from previously elected or eliminated candidates shall be transferred at the transfer value at which ~~the votes were~~ *each vote was* received.

(g) Tabulation of votes shall continue in the following sequence:

(1) The surplus votes of elected candidates shall be redistributed until no more candidates receive the minimum threshold of votes necessary to be elected.

(2) The votes of eliminated candidates are redistributed until another candidate receives the minimum threshold of votes necessary to be elected.

~~(3) When all but one of the candidates to be elected has received the minimum threshold of votes necessary to be elected, and only two candidates are continuing, the candidate with the most votes is declared elected, whether or not that candidate has received the minimum threshold of votes necessary to be elected.~~

~~(h) A tie between two or more candidates shall be resolved in accordance with Article 1 (commencing with Section 15650) of Chapter 10 of Division 15.~~

*(3) When the number of continuing candidates plus the number of elected candidates is equal to the number of candidates to be elected, all of the continuing candidates shall be declared elected, whether or not those candidates have received the minimum threshold of votes necessary to be elected.*

*(h) A tie between two or more candidates for fewest votes, as specified in subdivision (f), shall be resolved by lot and that candidate chosen by lot shall be eliminated. A tie between two or more candidates for the number of first choice votes received, as specified in subdivision (d), or votes above the threshold, as specified in subdivision (e), shall be resolved by lot and the candidate chose by lot shall be the first to have his or her surplus votes transferred.*

*10053. For each office elected by ranked voting, the statement of the result shall show all of the following:*

*(a) The number of votes cast at each precinct that are counted for each continuing candidate in each official round of counting.*

*(b) The number of exhausted ballots in each precinct in each official round of counting.*

*(c) The total number of votes cast that are counted for each continuing candidate in each official round of counting.*

*(d) The total number of exhausted ballots in each official round of counting.*

O